

## Section 220 - Mechanical Amusement Devices

**220.01 Definitions.** The term "machine" or "amusement device" as used in this Section means any machine, contrivance or device, including, without limitation, video, electronic or mechanical, of any of the following types:

A. A machine which upon the insertion of a coin, slug or other token, or upon payment of a fee, operates, or may be operated, as a game, contest or other amusement only and which contains no automatic pay-off device for the return of money, coins, merchandise, checks, tokens or any other thing or item of value; provided, however, that such machine may be equipped to permit a free play or game.

B. Miniature pool tables, bowling machines, shuffle boards, electric rifle or gun ranges, and machines patterned after baseball, basketball, hockey and similar games and like machines which may be played solely for amusement and not as gambling devices, and which machines are played by the insertion of a coin, slug or other token, or upon payment of a fee.

C. Amusement devices designated for and used exclusively by children, such as, but not limited to, kiddie cars, miniature airplane rides, mechanical horses, and other miniature mechanical devices, not operated as a part of or in connection with any carnival, circus, show, or other entertainment or exhibition.

**220.02 License Required.** No person shall operate or maintain, or permit to be operated or maintained upon premises owned, leased or controlled by such person, any machine without first obtaining a license for such machine.

**220.03 License Procedure.** The provisions of Section 160 of this Code shall apply to all licenses required by this Section and to holders of such licenses.

**220.04 Fees; Exception.** The fee for any license required by this Section shall be in the amount set forth in Section 185 of this Code. No fee shall be imposed on video games of chance as defined in M.S. 349.50.

**220.05 Application.** The application for license or renewal of license shall contain, in addition to the information required by Section 160, the date and place of conviction of any person named in the application for any felony or misdemeanor committed during the period of ten years prior to the date of application, including a statement of the crime of which such person was convicted.

**220.06 Insurance.** If the machine is of the type described in paragraph C. of Subsection 220.01, the applicant shall file with such application a public liability insurance certificate applicable to death or injury caused by the operation of the licensed machine, in amounts

not less than \$100,000 for injury to or death of one person, or \$300,000 for any one incident. In addition to the certificate, the City may also request the applicant to submit a public liability insurance policy.

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**220.07 Transfer.** Subject to written approval of the Manager or the Manager's deputy, any licensed machine may be transferred from one location to another without additional fee charged by the City, or the sticker may be taken off a machine which is to be removed or retired and transferred to a replacement machine.

**220.08 Location of Machine.** No machine shall be located, placed, maintained or operated on any public street, avenue, boulevard, lane, alley or other public ground within the City.

**220.09 Gambling.** It shall be unlawful for the owner of any machine, or for the owner or operator of any establishment where it is located, to permit the machine to be used for gambling or for the making of bets or wagers contrary to this Code or State Law.

**220.10 Pay-Off.** It shall be unlawful for the licensee, or for the owner, lessee or operator of the establishment where such machine is located, to give any money, token, merchandise or any other thing of value or any reward or prize in lieu of free games registered to such machine, and all free games so registered shall be played on the machine registering such free game, and there shall be no device on the machine whereby the operator can cancel registered free games.

**220.11 Automatic Pay-Off.** No person shall keep, maintain, sell or permit to be operated any machine which has been converted into an automatic pay-off device which shall discharge coins, checks or other tokens to the operator or player of such machine. No person shall convert any machine into an automatic pay-off device. Provided, however machines which discharge money, checks, tickets, tokens, merchandise or any other thing of value which has a value no greater than the cost to play or operate the machine may be kept, maintained or operated subject to the provisions of this Section.

**220.12 Destruction of Illegally Operated Machine.** Any machine which has been used in violation of Subsections 220.09, 220.10 and 220.11 may be seized and destroyed in compliance with the provisions of State Law relating to gambling devices.

**220.13 Certain Machines Not Regulated.** Nothing in this Section shall apply to any machine held or kept for sale or storage and which is not actually in use or displayed for use.

**220.14 Zoning Compliance.** All machines shall at all times be located only in a zoning district where such machines, and the number thereof, are allowed by the applicable provisions of Section 850 of this Code.

*History: Ord 211 codified 1970; amended by Ord 211-A1 5-12-82, Ord 211-A2 2-22-84, Ord 1993-6 5-26-93, Ord 1994-1 2-26-94*

*Reference: M.S. 349; 349.52, Subd. 4; 471.707*

*Cross Reference: Sections 160, 185, 850*